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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/619,551

Confirmation No.: 5933

In re Application of:

Kunihiro TSUBOSAKI

Group Art Unit: 2815

Filed: July 16, 2003

Examiner: Jasmine Jhihan B. Clark

For: SEMICONDUCTOR DEVICE AND METHOD
OF FABRICATING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed July 26, 2004, applicant hereby provisionally elects, with traverse, to prosecute the claims of Group I (claims 1-12) in this application.

However, applicant respectfully traverses the restriction requirement since the subject matter of all of claims 1-17 is sufficiently related that a thorough and complete search for the subject matter of the elected claims should encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that the search and

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examination of the entire application could be made without serious burden. See MPEP §803 which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicant and improper duplicative examination by the U.S. Patent and Trademark Office.

Respectfully submitted,

PARKHURST & WENDEL L.L.P.



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August 9, 2004

Date

RWP/mhs

Attorney Docket No.: DAIN:741

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